



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 20 2016

The Neighborhood Corporation
Attn: Joseph R. Pacheco, Acting Executive Director
120 Ingells Street
Taunton, Massachusetts 02780

Re: PCB Risk-Based Disposal Approval under 40 CFR § 761.61(c)
Former Nu-Brite Chemical Company Facility
10 First Street, Taunton, Massachusetts
RTN: 4-17372

Dear Mr. Pacheco:

This is in response to The Neighborhood Corporation ("TNC") Notification¹ to address PCB-contaminated materials on the property identified as Lot C-1B (hereinafter "the Site") and located at 10 First Street in Taunton, Massachusetts. Specifically, soil, concrete and fill debris located at the Site contain PCBs at levels exceeding the allowable concentration for unrestricted use as specified under 40 CFR § 761.61(a). TNC has submitted a plan to address the PCB contamination under the provisions of 40 CFR § 761.61(c).

In the Notification, TNC has proposed the following PCB risk-based disposal activities:

- Remove PCB-contaminated wastes with greater than (">") 100 parts per million ("ppm") located within Excavation Area 2 and consolidate into Excavation Area 1;

¹ Information was submitted on behalf of TNC by Resource Control Associates, Inc. to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated March 31, 2010 (Analysis of Brownfields Cleanup Alternatives); January 14, 2011 (Self Implementing On-Site Cleanup and Disposal of PCB Waste Plan (SIP)); February 15, 2011 (email soil analytical results); March 18, 2011 (response to EPA comments dated February 15, 2011); May 20, 2011 (Results of Site investigations in March and April 2011); July 3, 2012 (SIP, revised); March 5, 2014 (email response to EPA comments dated November 26, 2013); June 17, 2014 (Status Report); July 14, 2014 (email Response to EPA comments dated June 21, 2014); July 16, 2014 (email supplemental Response to EPA comments dated June 21, 2014); August 1, 2014 (email clarification on risk-based plan); August 15, 2014 (email groundwater analytical summary table); August 27, 2014 (email summary of conducted site remedial activities and summary of future remedial alternatives); November 3, 2014 (PCB characterization plan); June 12, 2015 (Risk-Based Cleanup and Disposal of PCB Waste Plan); July 27, 2015 (Monitoring and Maintenance Plan (MMP)); August 18, 2015 (email partial Response to EPA comments dated August 17, 2015); August 26, 2015 (Responses to EPA comments dated August 17, 2015 and revised MMP); December 8, 2015 (MassDEP Determination of Applicability for BUD); January 20, 2016 (Risk-Based Cleanup and Disposal of PCB Waste Plan Addendum); and, May 31, 2016 (revised MMP). These submittals will be referred to as the "Notification."

- Remove water and sediments from catch basin structures, the vault structure, and piping and dispose as greater than or equal to (" \geq ") 50 ppm PCB waste in accordance with 40 CFR § 761.60 and § 761.61(a)(5)(i)(B)(2). Fill catch basins and piping with flowable fill and seal catch basins and ends of piping with concrete;
- Construct a clean TSCA-complaint cap and engineered barrier over the Site as shown on Figure 3 of the January 20, 2016 submittal (see Attachment 2); and,
- Record a deed restriction in the form of an Activity and Use Limitation ("AUL") to establish use restrictions, to prohibit disturbances of the Site cap and engineered barrier, to provide for maintenance of the Site cap and engineered barrier, and to detail any future soil handling practices and requirements at the Site.

The information provided meets the Notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Given the proposed Site usage for parking (i.e., *low occupancy area* as defined at 40 CFR § 761.3), and the engineering controls, the data are sufficient to support cleanup of the PCBs at the Site under the risk-based disposal option at 40 CFR § 761.61(c). Management of the PCB-contaminated wastes under a compliant TSCA-cap and/or beneath an engineered barrier will prevent direct exposure of PCB-contaminated soils to Site users and thus will not pose an unreasonable risk of injury to health or the environment. EPA applies this no unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

EPA is approving the Notification and TNC may proceed with its PCB risk-based disposal plan under 40 CFR § 761.61(c); its Notification; and this Approval, subject to the conditions of Attachment 1.

Please be aware that this Approval does not release TNC from any applicable requirements of federal, state or local law, including those requirements related other [non-PCB] contaminants under the Massachusetts Department of Environmental Protection ("MassDEP") and the Massachusetts Contingency Plan. TNC must ensure it has all approvals necessary from MassDEP pertaining to this project.

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-13 ("Guide") for work conducted under this Approval and the Notification. Greener cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices ("BMP") Process dated December 19, 2013. (See www.astm.org/Standards/E2893.htm for additional information) EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB final report (see Attachment 1, Condition 28) should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall consider this project complete when it has received all submittals required under this Approval, including documents evidencing construction of the physical controls (i.e., TSCA-compliant cap and engineered barrier) and adoption of the AUL. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with the 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to be 'BO' followed by a long horizontal stroke.

Bryan Olson, Director
Office of Site Remediation & Restoration

Attachment 1: Approval Conditions

Attachment 2: January 20, 2016 Figure 3

cc: Joe Ferrari, EPA BF Program
Kathryn Carvalho, MassDEP SERO
Robert Atwood, Resource Controls
File

ATTACHMENT 1

**PCB RISK-BASED DISPOSAL APPROVAL CONDITIONS
FORMER NU-BRITE CHEMICAL CO. FACILITY LOT C-1B ("the Site")
10 FIRST STREET
TAUNTON, MASSACHUSETTS
RTN: 4-17372**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site and identified in the Notification, specifically Lot C-1B.²
 - a. In the event that The Neighborhood Corporation ("TNC") identifies other PCB-contaminated wastes not identified in the Notification but subject to cleanup and disposal under the PCB regulations, TNC will be required to notify EPA and clean up these other PCB-contaminated wastes in accordance with 40 CFR Part 761.
 - b. TNC may submit a separate plan to address the other PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 20.
2. TNC shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.

² Information was submitted on behalf of TNC by Resource Control Associates, Inc. to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated March 31, 2010 (Analysis of Brownfields Cleanup Alternatives); January 14, 2011 (Self Implementing On-Site Cleanup and Disposal of PCB Waste Plan (SIP)); February 15, 2011 (email soil analytical results); March 18, 2011 (response to EPA comments dated February 15, 2011); May 20, 2011 (Results of Site investigations in March and April 2011); July 3, 2012 (SIP, revised); March 5, 2014 (email response to EPA comments dated November 26, 2013); June 17, 2014 (Status Report); July 14, 2014 (email Response to EPA comments dated June 21, 2014); July 16, 2014 (email supplemental Response to EPA comments dated June 21, 2014); August 1, 2014 (email clarification on risk-based plan); August 15, 2014 (email groundwater analytical summary table); August 27, 2014 (email summary of conducted site remedial activities and summary of future remedial alternatives); November 3, 2014 (PCB characterization plan); June 12, 2015 (Risk-Based Cleanup and Disposal of PCB Waste Plan); July 27, 2015 (Monitoring and Maintenance Plan (MMP)); August 18, 2015 (email partial Response to EPA comments dated August 17, 2015); August 26, 2015 (Responses to EPA comments dated August 17, 2015 and revised MMP); December 8, 2015 (MassDEP Determination of Applicability for BUD); January 20, 2016 (Risk-Based Cleanup and Disposal of PCB Waste Plan Addendum); and, May 31, 2016 (revised MMP). These submittals will be referred to as the "Notification."

5. TNC shall comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill of PCBs during response actions, TNC shall contact EPA within 24 hours for direction on sampling and cleanup requirements.
6. TNC is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time TNC has or receives information indicating that TNC or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by TNC are authorized to conduct the activities set forth in the Notification. TNC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release TNC from compliance with any applicable requirements of TSCA or other federal, state or local law; or 3) release TNC from liability for, or otherwise resolve, any violations of TSCA or other federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from TNC of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. TNC shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.
12. Prior to initiating onsite work under this Approval, TNC shall submit the following information:
 - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;

- b. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
- c. a contractor work plan, prepared and submitted by the selected contractor(s), detailing the waste handling and air monitoring procedures that will be employed during excavation and handling of PCB-contaminated wastes. This work plan should also include information on equipment decontamination, storage, and disposal of all PCB wastes.

REMEDIAL AND DISPOSAL CONDITIONS

- 13. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during the remedial activities described in the Notification, including excavation and consolidation of *PCB remediation waste*. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
- 14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, with exception of decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner prescribed in 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified as follows:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

DEED RESTRICTION AND USE CONDITIONS

- 15. Within thirty (30) days of completing the activities described in the Notification and in the Approval, TNC shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following remediation; a description of the actions taken at the Site; a description of the use restrictions and conditions for the Site; and, the long-term monitoring and maintenance requirements for the cap and engineered barrier which may be addressed by the long-term monitoring and maintenance plan ("MMP"). Within seven

business (7) days of receipt of EPA's approval of the draft deed restriction, TNC shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

SALE, LEASE, OR TRANSFER CONDITIONS

16. TNC shall notify the EPA of the sale, lease or transfer of any real estate interest in the Site that has an effect of allocating or sharing any responsibility for complying with this Approval to or with a different person. Such notice shall be in writing no later than sixty (60) days prior to such action. This notification shall include the name, address, and telephone number of the new entity acquiring such an interest in the Site. In the event that TNC sells, leases, or transfers any such real estate interest, TNC shall continue to be bound by all the terms and conditions of this Approval, unless EPA approves the allocation of some or all of this Approval's responsibilities to the new owner(s), lessee or transferee. The notification procedures are as follows:
 - a. The new owner(s), lessee or transferee must request, in writing, that the EPA allocate some or all obligations and responsibilities under the Approval to the new owner(s), lessee or transferee;
 - b. The EPA reviews the request, and determines whether to allocate some or all of the obligations and responsibilities under the Approval to the new owner(s), lessee, or transferee; and,
 - c. The new owner(s), lessee or transferee provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the Approval or new approval, should EPA deem a new approval is necessary. The Approval or new approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or transferee of its acceptance of, and intention to comply with, the terms and conditions of the Approval or new approval within thirty (30) days of its receipt of the Approval or the new approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on TNC.
17. In the event that the sale, lease or transfer of a real estate interest in the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the new approval if it finds, due to the change in use, that this PCB risk-based disposal action will not be protective of health or the environment. The owner shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
18. In any sale, lease or transfer of a real estate interest in the Site, TNC shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval, except as provided above.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

19. TNC shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by TNC to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
20. Any modification(s) in the plan, specifications, and information submitted by TNC, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. TNC shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
21. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from TNC to make a determination regarding potential risk.
22. TNC shall record any amendment to the deed restriction, resulting from any approved change or modification(s), within sixty (60) days of such change(s). (See Condition 15).
23. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
24. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
25. Approval for these activities may be revoked, modified or otherwise altered if: EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; EPA finds that the PCBs remaining at the Site pose an unreasonable risk to health or the environment; EPA finds that the institutional and engineered controls are not effective in preventing PCB exposure; EPA finds that there is migration of PCBs from the Site; or EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. TNC may apply for appropriate modifications in the event new rules, standards, or guidance come into effect.

RECORDKEEPING AND REPORTING CONDITIONS

26. TNC shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup activities and the analytical sampling shall be established and maintained by TNC in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
27. TNC shall submit the results of the monitoring and maintenance activities described in its approved MMP. Based on its review of the results, EPA may determine that modification to the MMP is necessary in order to monitor and/or evaluate the effectiveness of the surface covers as an exposure barrier to PCBs.
28. TNC shall submit a final report in both hard and electronic copy (e.g., CD-ROM), to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation and Greener Cleanups BMP documentation, if implemented; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests or bills of lading, if applicable; and copies of certificates of disposal or similar certifications issued by the disposer, if applicable.
29. Within seven (7) days of recording the deed restriction as required under Condition 15, TNC shall submit a copy of the executed deed restriction to EPA.
30. Required submittals shall be submitted in both hard and electronic copy to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
31. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.
32. Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal law.

END OF ATTACHMENT 1

